

USPTO Customer No. 25280

Case# 5420

**RESPONSE****35 USC §103 Rejections**

Claims 1-5 and 7-29 were rejected under 35 USC §103(a) as obvious over Groten et al. (US Patent No. 5,899,785) in view of Dischler (US 4,918,795).

Claims 1-5 and 7-29 were rejected under 35 USC §103(a) as obvious over Groitzsch et al. (US Patent No. 6,448,462 B2) in view of Dischler (US 4,918,795).

Applicants have amended claim 1 to include (a) the limitation that the fabric is comprised of 65% polyester and 35% nylon 6,6, which is supported by the Examples in the specification (the Evolon® fabric) and (b) the limitation that the spun-bonded nonwoven fabric achieves a more uniformly dyed fabric, which is shown by the test results in Table 3C of the specification.

Applicants respectfully submit that by claiming the fabric as shown in the Examples and by including the limitation that the fabric achieves improved dye uniformity, Applicants have demonstrated unexpected results with regard to the treatment of this particular fabric with an air impingement process. More specifically, Applicants respectfully contend that by treating the fabric of Groten and/or Groitzsch with the air impingement process of Dischler, one of ordinary skill in the art would not expect that improved dye uniformity would be achieved. Rather, such a process is generally employed in order to improve the hand, or feel, of a textile substrate. However, Applicants believe that such result is unexpectedly obtained because the air impingement process opens up the dense fiber-to-fiber construction of the fabric and creates available space, which allows the dye to further penetrate (past the surface of the fabric) to

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fibers deep within the treated dyed fabric (see specification – bottom of page 20 to top of page 21).

Accordingly, since Applicants' invention, as currently claimed, achieves unexpected results – improved dye uniformity – Applicants respectfully request reconsideration and withdrawal of the obviousness rejection.

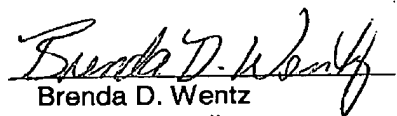
Conclusion:

For the reasons set forth above, it is respectfully submitted that claims 1, 7 – 14 and 19 – 29 now stand in condition for allowance.

Should any issues remain after consideration of this Amendment and accompanying Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

December 23, 2004

Respectfully requested,

  
Brenda D. Wentz  
Agent for Applicants  
Registration Number: 48,643  
(864) 503-1597